

MINUTES

INDIANA OPTOMETRY BOARD

MAY 14, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Morrow called the meeting to order at 10:00 a.m. in the Indiana Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-24-1-2.

Board Members Present:

Douglas C. Morrow, O.D., President
Natalie Olinger-Stine, O.D., Secretary
Stephan Van Cleve, O.D., Member
James Hunter, O.D., Member
Carl Golightly, O.D., Member

Board Members Absent:

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Rebecca Walker, Deputy Attorney General, Attorney General's Office

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

GOLIGHTLY/OLINGER-STINE
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE FEBRUARY 27, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the February 27, 2008 meeting of the Board.

GOLIGHTLY/VAN CLEVE
Motion carried 5-0-0

IV. ADMINISTRATIVE HEARINGS

There were no administrative hearings.

V. APPEARANCES

A. CONTINUING EDUCATION

There were no appearances regarding continuing education

B. APPLICATION

1. Nicholas Chiaramonti, O.D.

Dr. Chiaramonti appeared as requested regarding his application for licensure by endorsement. Dr. Chiaramonti is a 1992 graduate from Illinois College of Optometry and has taken and passed National Boards Part I, II, III and TMOD. He is currently licensed in the state of Illinois. On his application he answered "yes" to question #2 asking, "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?" Dr. Chiaramonti explained to the Board that in 1998 the Illinois Optometry Board fined him \$150.00 and issued a letter of reprimand. The discipline was the result of his practice hiring a new graduate in 1997 to work as a technician until he obtained his Illinois license. The office secretary had ordered business cards for the new doctor and placed them on the counter when they arrived. The Illinois Board viewed that as advertising his practice of optometry prior to licensure and because Dr. Chiaramonti is the Chief Doctor of the clinic he was held responsible.

Board Action: A motion was made and seconded to approved Dr. Chiaramonti's application for optometry licensure pending taking and passing the law examination.

GOLIGHTLY/VAN CLEVE
Motion carried 5-0-0

C. RENEWAL

1. Dirk Justin Bochner, O.D.

Dr. Bochner appeared before the Board, as requested, regarding his application for renewal of his optometry license. On his application he answered "yes" to a question asking, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Dr. Bochner explained that in March of 2007 he was arrested for a DUI. He had thought he was fine to drive but was stopped at a checkpoint and failed the test. On February 8, 2008 he pled guilty to the DUI which is a misdemeanor traffic violation. He was given non-reporting court supervision for one (1) year. At the time of completion of court supervision this will be taken off his permanent record. Dr. Bochner advised he has not been disciplined by the Illinois Board for this offense.

Board Action: A motion was made and seconded to grant Dr. Bochner's application for renewal of his optometry license.

VAN CLEVE/HUNTER
Motion carried 5-0-0

2. Michael Robert Gould, O.D.

Dr. Gould appeared before the Board, as requested, regarding his application for renewal of his optometry license. Mike Roth, Attorney, appeared on behalf of Dr. Gould. On his application he answered "yes" to a question asking, "Since you last renewed, have you had a malpractice judgment against you or settled

any malpractice action?" Dr. Gould explained that in September of 1999 he saw a patient while working at Eyeglass World who wanted a contact lens examination. He informed the patient that his pressures were high and that the patient told him he had been told that before. Dr. Gould says he noted on the chart the patient had a previous history of IOP. He stated he asked the patient if he had ever seen an ophthalmologist or been diagnosed with Glaucoma. Dr. Gould told the Board he told this man to return to an ophthalmologist. Dr. Gould stated he gave the patient an exam and prescribed contact lenses but he failed to document his assessment plan on the examination side of the form. Dr. Gould claimed it was sometimes his habit to write on the history side of the form. Dr. Gould said he left Eyeglass World in 2002 and requested his patient files. Eyeglass World requested to make copies of all the files so Dr. Gould said he received the files bit by bit over time. The patient waited two years before going to a doctor and by that time he had glaucoma. The patient received copies of his medical records from Eyeglass World but they only gave him the examination side and not the history side. When Dr. Gould learned of the complaint he also discovered he had no medical records from 1999 and Eyeglass World told him the files were at the corporate office located in Florida. He made requests to receive those medical files but Eyeglass World never produced them. Dr. Gould stated this is the only claim he has had in 17 years of practice and it was due to a documentation issue.

Board Action: A motion was made and seconded to grant Dr. Gould's application for renewal.

OLINGER-STINE/HUNTER
Motion carried 4-0-1
Dr. Van Cleve abstained

VI. DISCUSSION

A. Administrative Rule Changes

The Board reviewed and discussed the proposed rule changes. They will continue to work on proposed changes at the next meeting.

B. Association of Regulatory Boards of Optometry Re: The Green Sheet - April 2008

The Board took notice of the ARBO Green Sheet newsletter.

C. Expired License Renewals Past Three Years

1. Rebecca Long, O.D.

The Board reviewed Dr. Long's renewal application and continuing education information. Dr. Long's Indiana optometry license expired on April 1, 1998. Dr. Long has been practicing optometry in the state of Michigan since August of 1995. She submitted 126 hours of continuing education that has been completed since the expiration of her license.

Board Action: A motion was made and seconded to grant Dr. Long's application for renewal upon taking and passing the law examination.

OLINGER-STINE/VAN CLEVE

Motion carried 5-0-0

2. D'Lisa Yvette Patterson

The Board reviewed Dr. Patterson's renewal application and continuing education information. Dr. Patterson's Indiana optometry license expired on April 1, 2002. Dr. Patterson has been practicing optometry in the state of Wisconsin since August of 1997. She submitted 130 hours of continuing education that has been completed since the expiration of her license.

Board Action: A motion was made and seconded to grant Dr. Patterson's application for renewal upon taking and passing the law exam.

OLINGER-STINE/HUNTER

Motion carried 5-0-0

3. Lynn Marie Unger, O.D.

The Board reviewed Dr. Unger's renewal application and continuing education information. Dr. Unger's Indiana optometry license and optometric legend drug certificate expired on April 1, 2004. Dr. Unger has been practicing in the state of Michigan since November of 1999. She also holds a license in the state of Illinois. She submitted 41 hours of optometry continuing education and 61.5 hours of optometric legend drug continuing education that has been completed since the expiration of her license.

Board Action: A motion was made and seconded to grant the renewal of Dr. Unger's application for renewal upon taking and passing the law exam.

OLINGER-STINE/VAN CLEVE

Motion carried 5-0-0

VII. CONTINUING EDUCATION

There was no continuing education to review.

VIII. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications for the Board to review.

B. Examination Applications

There were no examination applications for the Board to review.

C. Faculty Limited License

1. Shirin Elgin Hassan, O.D.

The Board reviewed Dr. Hassan's application file for a limited license at the Indiana University School of Optometry. Dr. Hassan is 1996 graduate of Queensland University of Technology with a Bachelor of Applied Science in Optometry. She also holds a Doctor of Philosophy that was obtained in 2001.

She is currently an Assistant Professor at Indiana University. In support of her application, Dr. Gerald E. Lowther, Indiana University School of Optometry, submitted a letter stating that Dr. Hassan is an expert in low vision care and mobility. She teaches in their low vision program as well as other clinical problem based learning programs, Integrative Optometry courses and the graduate program. She also does research in the area of mobility. The school is requesting that Dr. Hassan be issued the limited license in order to utilize her vast expertise in their low vision clinic to provide supervision of their students and provide low vision patient care.

Board Action: A motion was made and seconded to request additional information from the Clinical Director about what her duties will be and who will be overseeing her with regards to patient care.

VAN CLEVE/GOLIGHTLY
Motion carried 5-0-0

D. Professional Corporation Applications

There were no professional corporation applications for the Board to review.

IX. PROBATIONARY REPORT

A. Thomas Boone, O.D.

Dr. Boone completed his program with Recovery Monitoring Agreement with the Continuing the Care on May 11, 2008. He is in compliance with his probationary order.

X. REPORTS

A. Consumer Complaints

Dr. Van Cleve reported he has reviewed one (1) consumer complaint and recommended it to be closed.

B. Indiana Optometric Association

Jim Zieba, Executive Director of the Indiana Optometric Association, said things were going well and the convention was held two weeks ago. He made some comments to the Board with regards to record keeping.

C. Continuing Education

Dr. Hunter has reviewed and approved 22 hours of continuing education for optometry credit and of the 9 hours submitted for legend drug credit he approved 5 hours.

Dr. Hunter said with regards to office based continuing education courses he wants additional information about what the doctor is actually doing. He said he will put together a guideline so the sponsors know more of what to submit other than just an outline. The programs need to delineate what is being taught. This will make it easier to determine the number of continuing education hours that may be granted for each of the programs.

XI. OLD/NEW BUSINESS

A. Referral To An Occupational Therapist

Effective July 1, 2008, optometrists will be able to refer to an occupational therapist. Statutory authority was added to IC 25-23.5 3-1-5 by House Bill 1172.

B. Change of Meeting Date

The Board rescheduled their meeting from August 20, 2008 to September 10, 2008. The meeting will be held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Optometry Board adjourned at 12:00 p.m.



Douglas C. Morrow, O.D., President

9/10/08

Date



Natalie Olinger-Stine, O.D., Secretary

9/10/08

Date